

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

CATINA WEATHERSPOON

PLAINTIFF

v.

CAUSE NO. 1:23-CV-111-SA-RP

LACOSTA

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 23, 2023, Weatherspoon initiated this lawsuit by filing her *pro se* Complaint [1]. Via a Notice [19] entered on the docket on April 17, 2024, the Court scheduled a telephonic status conference for April 23, 2024. Despite being notified of the conference, Weatherspoon failed to appear for the conference or otherwise contact Magistrate Judge Percy's chambers. Therefore, Magistrate Judge Percy entered a Show Cause Order [24], which provided in pertinent part:

[T]he plaintiff is hereby ORDERED to show cause, no later than May 7, 2024, as to why the court should not impose sanctions against her for failing to appear at the status conference as directed. The plaintiff is warned that if she fails to respond and show cause as required by the order, the court will impose sanctions against her, up to and including dismissal of her complaint, as her failure to comply with this order or other orders of the court will be construed as an indication that she no longer wishes to proceed with this case.

[24] at p. 1 (emphasis omitted).

After Weatherspoon failed to respond to that Order [24], Magistrate Judge Percy entered a Report and Recommendation [28], wherein he recommended that "the plaintiff's complaint be dismissed for failure to prosecute and failure to comply with orders of the court." [28] at p. 1. Although the Report and Recommendation [28] specifically advised Weatherspoon that she had fourteen days to object, she did not file an objection. Her time to do so has now passed.

“With respect to those portions of the report and recommendation to which no objections were raised, the Court need only satisfy itself that there is no plain error on the face of the record.” *Gauthier v. Union Pac. R.R. Co.*, 644 F. Supp. 2d 824, 828 (E.D. Tex. 2009) (citing *Douglass v. United Servs. Auto. Ass ’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996)).

The Court has reviewed the Report and Recommendation [28] and the record as a whole. Having done so, the Court agrees with the recommendation. It is ADOPTED IN FULL. The Complaint [1] is hereby DISMISSED *with prejudice*. This CASE is CLOSED.

SO ORDERED, this the 28th day of May, 2024.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE